



**UNITED STATES DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES**

DATE PREPARED: 5/14/82

RE: RINEHART ORCHARDS, INC., 82-TLC-3

THIS IS A DECISION IN RESPONSE TO THE REQUEST OF RINEHART ORCHARDS, INC., FOR EXPEDITED ADMINISTRATIVE-JUDICIAL REVIEW, PURSUANT TO 20 C.F.R. §655.212, OF A DENIAL, ON APRIL 28, 1982, OF ITS APPLICATION FOR TEMPORARY LABOR CERTIFICATION BY WILLIAM J. HALTIGAN, THE REGIONAL ADMINISTRATOR (RA). ON APRIL 6, 1982, EMPLOYER SUBMITTED AN APPLICATION FOR THIRTY-ONE ALIEN WORKERS TO ASSIST IN HARVESTING THE 1982 PEACH AND APPLE CROPS IN WASHINGTON COUNTY, MARYLAND. -THE RA DENIED THE APPLICATION BECAUSE EMPLOYER'S WAGE OFFER OF 21 CENTS PER 1,238 CUBIC INCH UNIT FOR PEACH PICKING AND 40 CENTS PER 2,419.22 CUBIC INCH UNIT FOR FALL APPLE PICKING WERE BELOW THE PREVAILING WAGE RATES AS ESTABLISHED BY THE STATE OF MARYLAND. ADDITIONALLY, THE RA FOUND THAT EMPLOYER'S PRODUCTIVITY REQUIREMENTS WERE EXCESSIVE. THUS, THE RA . WAS UNABLE TO AFFIRM, AS REQUIRED BY §655.200, THAT THE

remainder of decision missing